

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I – PROPOSED ACTION

BLM Office: Tucson Field Office

NEPA No.: DOI-BLM-AZ-G020-2016-0008-CX

Proposed Action Title: Wilmot Road

Case File No.: AZA-035758 and AZA-035758-01

Applicant: Pima County Department of Transportation

Location of the Proposed Action:

Gila and Salt River Meridian, Arizona
T. 16 S., R 15 E.;
sec. 7, lot 3.

Description of Proposed Action:

The proposed action involves the authorization of a BLM Right-of-Way (ROW) grant and a Temporary Use Permit (TUP) to Pima County Department of Transportation (PCDOT).

Pima County has submitted an application seeking a 60-foot wide right of way across 1,341 feet of public land for the purpose of upgrading and maintaining a public road (Wilmot Road). Pima County proposes to pave Wilmot Road from where current pavement ends at the Arizona Department of Corrections facility on the north end to Sahuarita Road on the south end, a distance of 7.1 miles. This section of Wilmot Road is an existing unpaved road for which no right of way currently exists. The 1,341 feet of public land would be paved as part of this proposal.

The project will consist of a two-lane roadway with paved shoulders totaling a width of 34 feet of paved surface. The edges of the paved roadway will have earthen shoulders/ditches and cut/fill slopes to match existing ground. There will be dip sections in the roadway matching the existing drainage flow line that will convey storm water perpendicularly across the roadway as to minimize the elevation of the flowing water. The pavement structure will consist of a cement treated sub-grade using natural soils topped with an asphaltic surface that will accommodate future traffic loading that minimizes maintenance.

The Wilmot Road project is currently in design and construction is expected to last 18 months. Construction will be the responsibility of a Contractor and Administrated by Pima County. Portions of the roadway may be closed to through traffic during construction. Access to all residents and utility facilities will be maintained at all times. No construction activities will be conducted outside of approved construction limits.

Any construction activities needed for this section of the pavement project will occur on a 40-foot by-45 foot area adjacent to the ROW, at the driveway entrance into the Western Area Power Administration (WAPA)'s Nogales substation. This activity and area will be authorized under a TUP.

The ROW authorization would be valid for a period of 30 years, with the right to request renewal at that time. The TUP will be valid for a 3-year period.

PART II – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): The Phoenix Resource Management Plan (Phoenix RMP).

Decisions and page nos.: Land use authorizations (right-of-way, leases, permits, easements) will continue to be issued on a case by case basis. page 14.

Date plan approved/amended: September 29th, 1989

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III – NEPA COMPLIANCE DETERMINATION REVIEW

Page 14. Even though it is not specifically provided for, the Phoenix RMP does allow the following statement: “Land use authorizations (rights-of-way, leases, permits, easements) would continue to be issued on a case by case basis”.

- A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 [16]**
Acquisition of easements for an existing road or issuance of leases, permits, or right-of-way for the use of existing facilities, improvements or sites for the same or similar purposes.

And

[19] Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

And

- B. Extraordinary Circumstances Review:** In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subject to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstances applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

PART IV – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

Daniel Moore, Acting NEPA Coordinator	12/16/2015
Linda Dunlavey, Realty Specialist	12/16/2015
Matthew Basham, Archaeologist	12/16/2015

Darrell Tersey, Natural Resource Specialist		12/16/2015
Ben Lomeli, Hydrologist		12/16/2015
Leslie Uhr, GIS Specialist		12/21/2015
/s/ Dan Moore, acting P&EC		12/22/2015
PLANNING & ENVIRONMENTAL SPECIALIST		DATE
The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:		
(a) Have significant impacts on public health or safety.		
Yes	No x	Rationale: The proposed action will not cause significant impacts on public health or safety. The activities of the proposed action will improve the driving surface for public vehicle users. Preparer's Initials ld, dt
(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No x	Rationale: The proposed action will not have a significant impact on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principle drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas, because the resources do not exist on the site. If there are any occurrences of BLM sensitive or State listed species within the project area the attached stipulations will be followed, which will mitigate any significant impact. The 7.1 mile stretch of Wilmot Road proposed for improvements was subjected to an intensive Class III archaeological survey and no historic properties were identified. BLM consulted with Arizona State Historic Preservation Officer (AZ SHPO) to comply with section 5 of the State Protocol. BLM and AZ SHPO agreed that the Wilmot Road undertaking can proceed under the Protocol rather than following the standard Section 106 process. Preparer's Initials ld, bl, mb

		BLM finds that No Historic Properties are Affected by this undertaking.	
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].			
Yes	No x	Rationale: The proposed action or its activities should not cause any conflicts or highly controversial environmental effects or involve unresolved conflicts concerning the alternative uses of resources. The ROW is already existing so no issues or conflicts should result in the proposed action.	Preparer's Initials ld, dt
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.			
Yes	No x	Rationale: The proposed action does not have or involve any features that will have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	Preparer's Initials dt
(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.			
Yes	No x	Rationale: : Future actions regarding this project, if any, would require processing in accordance with laws, regulations, and policy and does not establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. Any additional proposals would be analyzed and a separate decision would be arrived at based on that analysis.	Preparer's Initials ld
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.			
Yes	No x	Rationale: The proposed action will not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The road already exists and no other actions should impact this project.	Preparer's Initials ld
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.			
Yes	No x	Rationale: The 7.1 mile stretch of Wilmot Road proposed for improvements was subjected to an intensive Class III archaeological survey and no historic properties were identified. BLM consulted with Arizona State Historic Preservation Officer (AZ SHPO) to comply with section 5 of the State Protocol. BLM and AZ SHPO	Preparer's Initials mb

		<p>agreed that the Wilmot Road undertaking can proceed under the Protocol rather than following the standard Section 106 process.</p> <p>BLM finds that No Historic Properties are Affected by this undertaking.</p>	
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
Yes	No x	<p>Rationale: No listed species or species proposed to be listed or critical habitat or proposed critical habitat are found within the project footprint for the proposed action on the public lands. The project footprint was modified to avoid impacts to a known occurrence of the Pima Pineapple Cactus, a listed species. There are also no BLM sensitive, or state species of greatest conservation need, found on the public lands within project area. A threatened and endangered effects determination document was prepared as documentation for the no effects determination.</p>	<p>Preparer's Initials</p> <p>dt</p>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.			
Yes	No x	<p>Rationale: The proposed action does not violate federal law, or a state, local or tribal law or requirement imposed for the protection of the environment. The applicant is required to comply with all laws, stipulations and resource management plans under this grant.</p>	<p>Preparer's Initials</p> <p>mb</p>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).			
Yes	No x	<p>Rationale: The proposed action does not have a disproportionately high or adverse effect on low income or minority populations. Changes made in the road would be an improvement for all populations.</p>	<p>Preparer's Initials</p> <p>ld</p>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).			
Yes	No x	<p>Rationale: The proposed action will not limit any access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. Four Southern Tribes were informed of the action during their November 2015 meeting.</p>	<p>Preparer's Initials</p> <p>mb</p>

(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).			
Yes	No x	Rationale: The proposed action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. Stipulations will include procedure that will be required by all vehicles and equipment used for the maintenance to be properly cleaned so to prevent the spread/introduction of non-native species.	Preparer's Initials dt
PART V – COMPLIANCE REVIEW CONCLUSION I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. MITIGATION MEASURES/OTHER REMARKS: See attached stipulations. <div style="display: flex; justify-content: space-between;"> <div> APPROVING OFFICIAL: /s/ Melissa Warren TITLE: Field Office Manager </div> <div> DATE: 12/22/2015 </div> </div>			

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.